

NEW ENGLAND COMPOUNDING PHARMACY INC. PRODUCTS LIABILITY
30(B)(6) VIDEOTAPED DEPOSITION OF JEFFERY EBEL on 05/29/2015

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND
COMPOUNDING PHARMACY,
INC. PRODUCTS LIABILITY MDL No. 2419
LITIGATION

Master Dkt:
1:13-md-02419-RWZ

THIS DOCUMENT RELATES
TO:

All Actions

30(b)(6) VIDEOTAPED DEPOSITION OF
JEFFERY EBEL

9:05 a.m.
May 29, 2015

Suite 1740
414 Union Street
Nashville, Tennessee

Blanche J. Dugas, RPR, CCR No. B-2290



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1 supplied that particular medicine. Could your company
2 have supplied that particular medicine,
3 methylprednisolone acetate, to the St. Thomas
4 Outpatient Neurosurgical Center throughout 2011 and
5 2012?

6 A. Yes.

7 Q. All right. And is there any doubt in your
8 answer in that regard?

9 A. Well, your question was could we supply
10 methylprednisolone acetate.

11 Q. Yes.

12 A. And, yes, we could.

13 Q. Okay. Were there any shortages of that
14 medicine during that time frame?

15 A. During that time frame in 2011, there was
16 an FDA approved manufacturer by the name of Sandoz
17 that made methylprednisolone acetate, and there also
18 was an FDA approved manufacturer by the name of Pfizer
19 who made Depo-Medrol, which is methylprednisolone
20 acetate. And during 2011, 2012, we always had one of
21 those two in stock.

22 Q. Okay. All right. And so if it -- if St.
23 Thomas Outpatient Neurosurgical Center had wanted to
24 procure let's say 500 vials of methylprednisolone
25 acetate each and every month during the 2011-2012 time



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1 frame, would your company have been able to supply
2 them with that medicine?

3 A. Yes.

4 Q. Now, did the price of that medicine
5 fluctuate during that time period?

6 A. During -- during 2011, Sandoz informed us
7 that they were going to be exiting the market. Sandoz
8 is the company that made the generic to Depo-Medrol,
9 and so we had a limited inventory and so we weren't
10 discounting the product as much as if we had a lot of
11 supply.

12 Q. Okay. And so I would like for you to
13 assume that there's been testimony in this case that
14 in June of 2011 your company increased the price of
15 MPA from \$6.49 for an 80-milligram vial to \$8.95,
16 which is an increase of \$2.46 cents a vial, I believe.

17 Does that sound correct to you?

18 A. That may have been correct. I'm not
19 positive about that.

20 Q. All right. Well, let me show you an
21 exhibit that we've already marked in this case, which
22 is Exhibit No. 30. And this contains several invoices
23 to the St. Thomas Outpatient Neurosurgical Center and
24 let me first -- if you look in the bottom right-hand
25 corner, the exhibits are numbered, and look at Page



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1 No. 10, the tenth page, which is STOPNC0173 is how
2 it's labeled.

3 A. Okay. It's an invoice here.

4 Q. Okay. And do you see there for
5 methylprednisolone acetate a price of \$6.49?

6 A. Yes.

7 Q. Okay. And then let's look at the twelfth
8 page. Is that another invoice for your company?

9 A. It is.

10 Q. All right. And that's an invoice in June,
11 June the 9th of 2011. Do you see that?

12 A. Yes.

13 Q. And so what's the price of that particular
14 invoice?

15 A. \$8.95.

16 Q. So the previous invoice was from May 13th
17 of '11 where you charged \$6.49, but then in June of
18 2011, the price went up to \$8.95. Do you see that?

19 A. Yes.

20 Q. Okay. So what was the reason for that
21 price increase?

22 A. The reason for that price increase was
23 because there was a limited supply of
24 methylprednisolone acetate from Sandoz. They were
25 exiting the market. There was, however, plenty of



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